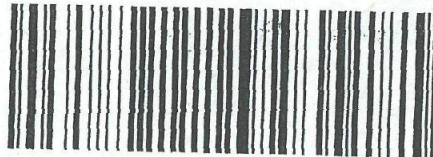




State of Washington
DEPARTMENT OF ECOLOGY
4601 N Monroe Street
Spokane, WA 99205-1295

CERTIFIED MAIL™



7011 3500 0001 8621 7354



UNITED STATES POSTAGE
PITNEY BOWES
02 1M
\$06.11⁰
0004285354 OCT 08 2013
MAILED FROM ZIP CODE 99205

RECEIVED

OCT 15 2013

DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE

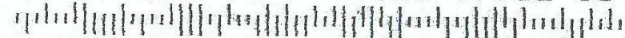
MR PAT BEARD
76 LOWER DRY CREEK RD
WALLA WALLA WA 99362

NIXIE 992 7E 1009 0010/10/13

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 99205129599 *1929-07381-02-35

992051295





STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

October 8, 2013

Mr. Pat Beard
76 Lower Dry Creek Road
Walla Walla, Washington 99362

Re: Water Right Change Application No.'s 90 and 1837

Dear Mr. Beard:

On, August 29, 2013 this office notified you that your Water Change Application Nos. 90 and 1837 would be rejected unless you provided a reason why they were still needed; as the scope of the project has changed since they were filed.

Since we received no response to that notice, your applications for change to Walla Walla River Adjudicated Surface Water Certificate No. 90 (CS3-*28090J) and Surface Water Certificate No. 1837, together with Certificate of Change 1-207 (CS3-*05604C), both received January 13, 2006, are hereby **rejected**.

YOUR RIGHT TO APPEAL

You have a right to appeal this decision to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this document. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal, you must do the following within 30 days of the date of receipt of this document:

- File your appeal and a copy of this document with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this document on Ecology in paper form - by mail or in person. (See addresses below.) Email is not accepted.



Mr. Beard
Page 2
October 8, 2013

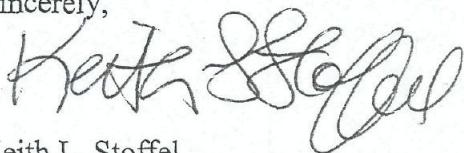
You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

For additional information visit the Environmental Hearings Office Website:
<http://www.eho.wa.gov> . To find laws and agency rules visit the Washington State Legislature
Website: <http://www1.leg.wa.gov/CodeReviser>.

If you have any questions, please contact Dan Tolleson at 509-329-3526.

Sincerely,



Keith L. Stoffel
Section Manager
Water Resources Program
Eastern Regional Office

KLS/DT:md

Enclosure: *Your Right to Be Heard*

By certified mail: 7011 3500 0001 8621 7354

State of Washington
DEPARTMENT OF ECOLOGY
4601 N Monroe Street
Spokane, WA 99205-1295

CERTIFIED MAIL™



7011 3500 0001 8621 7965



MR. PAT BEARD

NAME 992 SE 1009 0008/31/13

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 99205129599 *1729-00956-29-37

99205129599

reject application
nos. 90 & 1837-A
since we have had
no response
DT

10/2/2013



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

August 29, 2013

Mr. Pat Beard
76 Lower Dry Creek Road
Walla Walla, WA 99362

Dear Mr. Beard:

Re: Application for change under Certificate Nos. 1837 and 90

The Department of Ecology (Ecology) is currently reviewing the change applications on file within Water Resource Inventory Area (WRIA) 32, the Walla Walla River Basin

During a review of our files, we found two sets of applications for change for each of the above-referenced water rights. The first set of applications for change were received on January 13, 2006 and requested to change the place of use. The second sets of applications for change were approved in 2012 and that completely changed the scope of the project. In addition, the Walla Walla County Assessor's web site indicates you no longer own any land described under Certificate Nos. 1837 and 90. Therefore, it appears that you no longer have any interest in the applications filed in 2005.

If we do not receive a response within 30 days of the date of this letter, it will be assumed that you no longer have any interest in these applications. At that time the applications for change will be rejected. Rejection of the applications will not affect the existing water rights.

If you have any questions or need information please contact me at (509) 329-3526 or dtol461@ecy.wa.gov.

Sincerely,

Dan Tolleson
Water Resources
Spokane Office

DT:ka

Enclosure: Copies of Applications

By Certified Mail 7011 3500 0001 8621 7965

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

8/29/13

Postmark
Here

Sent To	
Street, Apt. No., or PO Box No.	MR. PAT BEARD
City, State, ZIP+4	76 LOWER DRY CREEK ROAD WALLA WALLA, WA 99362

PS Form 3800, August 2006

See Reverse for Instructions

7011 3500 0001 8621 7965



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

July 18, 2006

Mr. Pat Beard
76 Lower Dry Creek Road
Walla Walla, Washington 99362

Dear Mr. Beard:

Re: Application for Change/Transfer under Walla Walla Adjudicated Certificate No. 90
WRIA 32 – Walla Walla County

We have received the Affidavit of Publication of notice in connection with the above-numbered application on June 29, 2006.

The water codes require that we take no action on the application until after the expiration of a thirty-day period from the last date of publication. This time period allows concerned citizens to file any protests or objections to your proposed water use.

You will be notified when an examination of your application will be made. As noted in our January 30, 2006 letter to you, please be advised that you are required to obtain authorizations before you can begin using the water applied for under this application. Please note that no construction or water use should begin before a water right authorization is obtained.

If you have, questions regarding this letter please contact me directly at 509-329-3585 and reference WWADJ. Certificate No. 90. **For technical assistance, you may contact Dan Tolleson of our office at 509-329-3526.**

Sincerely,

Karen Tusa
Water Resources Program
Eastern Regional Office

KT: kla

W: Affidavit of Publication/letters 2006/Beard, Pat WWADJ 90 07 18 2006

COPY

Alexander, Kim (ECY)

From: Alexander, Kim (ECY)
Sent: Tuesday, June 06, 2006 10:17 AM
To: Neve, William L. (ECY)
Subject: RE: regarding Pat Beard and missing notice

Tracking: Recipient Read
 Neve, William L. (ECY) Read: 6/6/2006 10:21 AM

- *Hey Bill, I found the WWADJ cert 90 & we have not received this files Publication.*
- *I am mailing Pat out a copy of our cover letter & public notice today. Let me know if you need anything else.*
- *Sincerely,*
- *Kimberley Alexander*
- *Dept of Ecology*
- *Water Resources Program*
- *Eastern Regional Office*
- *509 329-3510*

From: Neve, William L. (ECY)
Sent: Tuesday, June 06, 2006 9:58 AM
To: Alexander, Kim (ECY)
Subject: RE: regarding Pat Beard and missing notice

Now I can't remember either - I believe it was Adj. No. 90. I left you that phone message when they were in here, and now can't recall which one it is. The person I spoke with isn't around right now. I guess you could send both to them and they could publish the one they haven't yet done?

Bill

From: Alexander, Kim (ECY)
Sent: Monday, June 05, 2006 2:01 PM
To: Neve, William L. (ECY)
Subject: regarding Pat Beard and missing notice

Hi Bill sorry I am just getting back to you on this, but was out of the office last couple

of days last week. Which notice of publication did she not receive? WWADJ 90? I was looking in my documents to see when we might have sent out the publication and did not see one under wwadj 90? Little help needed for the blonde! no feed back needed on that one Bill :)

- *Sincerely,*
- *Kimberley Alexander*
- *Dept of Ecology*
- *Water Resources Program*
- *Eastern Regional Office*
- *509 329-3510*

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Pat Beard
76 Lower Dry Creek Road
Walla Walla, Washington 99362

2. Article Number
(Transfer from service label)

PS Form 3811, August 2001

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Linda Stevens*☐ Agent☐ Addressee

B. Received by (Printed Name)

Linda Stevens

C. Date of Delivery

*4/27/06*D. Is delivery address different from item 1? ☐ Yes
if YES, enter delivery address below; ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

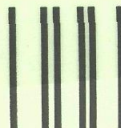
☐ Yes*KT: KLA Rem Pub Not. WWAWS No 90*

7003 1680 0007 1554 5950

Domestic Return Receipt

2ACPRI-03-P-408

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
WATER RESOURCES PROGRAM
4601 N MONROE ST
SPOKANE, WA 99205-1295

RECEIVED

APR 28 2006

KLA

C020

DEPARTMENT OF ECOLOGY
FISCAL OPERATIONS OFFICE



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

April 25, 2006

CERTIFIED MAIL (7003 1680 0007 1554 5950)

Mr. Pat Beard
76 Lower Dry Creek Road
Walla Walla, Washington 99362

Dear Mr. Beard:

Re: Application for Change/Transfer under Walla
WRIA 32 – Walla Walla County

On January 30, 2006, this office forwarded to you a notice for publishing the above referenced application in the Union Bulletin or the Waitsburg Times within Walla Walla County.

As of this date, we have not received the necessary Affidavit of Publication concerning this application.

If we do not hear from you within thirty-days (30) from the date of this letter, we will assume you are no longer interested in the application and it will be rejected without further notice.

If you have any questions, please call our reception line at (509) 329-3400 and ask for the water resources person on phone duty for that day.

Sincerely,
Water Resources Program
Eastern Regional Office

/k/a

W: Public Notice/reminder letters/WWADJ 90 Beard Pat rem aff pub ltr 04 25 2006

I certify that I mailed this letter or an identical copy thereof; postage prepaid to the above addressee(s) this 25th day of April, 2006.

Water Resources Program, Office Assistant Kimberley Alexander

U.S. Postal Service™
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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

4-25-06
Rem for Pub Not.
Postmark Here
WWADJ 90

Sent To	
Street, Apt. No., or PO Box No.	Mr. Pat Beard 76 Lower Dry Creek Road
City, State, ZIP+4	Walla Walla, Washington 99362

PS Form 3800, June 2002 See Reverse for Instructions



COPY



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

January 30, 2006

Mr. Pat Beard
76 Lower Dry Creek Road
Walla Walla, WA 99362

Dear Mr. Beard:

Re: Application for Change under Walla Walla Adjudicated Surface Water Certificate No. 90

Enclosed is a notice of your application which must be published **once a week for two consecutive weeks** in the Union Bulletin or the Waitsburg Times published in Walla Walla County as provided in RCW 90.03.280. This newspaper has general circulation in the locality where the water is to be appropriated and used and is qualified as a legal newspaper as provided in Chapter 65.16 RCW.

Please draw to the publisher's attention that the actual date of the **second** publication must appear in the space in the notice over the caption "last date of publication."

The cost of publishing the notice is the responsibility of the water right applicant. To assure accuracy, **it is the responsibility of the applicant to check the notice carefully before having it published.** If an error is detected, do not submit the notice for publication, but refer the error to this office for correction and/or resolution.

Please provide us with the **original notarized affidavit** of that publication. Publication should start within thirty-(30) days and the affidavit must be received in this office within sixty-(60) days from the date of this letter or rejection will be initiated.

Sincerely,

Karen Tusa
Water Resources Program
Eastern Regional Office

KT: kla

W: Public Notices/Tusa/2006/WWADJ 90 Beard acpt-pub ltr 01 30 2006

Enclosure



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

NOTICE OF APPLICATION FOR CHANGE/TRANSFER OF WATER RIGHT UNDER
ONE (1) SURFACE WATER CERTIFICATE

TAKE NOTICE:

That Pat Beard of Walla Walla, Washington has made application for change/transfer of water right in order to change the place of use as granted under Walla Walla Adjudicated Surface Water Certificate No. 90

That Certificate No. 90 authorizes the diversion of 0.093 cubic foot per second from April 1 to July 1, 0.070 cubic foot per second from July 1 to Oct. 1, and 0.140 cubic foot per second from Oct. 1 to April 1, 35 acre-feet per year for the irrigation of 7 acres.

That the present point of diversion is from the Walla Walla River, tributary to the Columbia River, within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec.33, T. 7 N., R. 34 E.W.M.

That the present place of use is within the E $\frac{1}{2}$ E $\frac{1}{2}$ of Sec. 29, T. 7 N., R. 34 E.W.M. A more detailed legal description may be obtained from Ecology's Eastern Regional Office in Spokane.

That he proposes to change the place of use to the following: Tracts 1, 2, and 3 of Short Plat recorded April 10, 1998, in Book 3, Page 179, under Auditor's File No. 9803841, situated within the E $\frac{1}{2}$ E $\frac{1}{2}$ of Sec. 29, T. 7 N., R. 34 E.W.M., Walla Walla County.

All within Walla Walla County, Washington.

Protests or objections to approval of this application must include a detailed statement of the basis for objections; protests must be accompanied by a fifty-dollars (\$50.00) recording fee and filed with the Department of Ecology, at the address shown below, within thirty-(30) days from

(Last date of publication to be entered above by publisher)

State of Washington
Department of Ecology
4601 North Monroe
Spokane, WA 99205-1295

NOTICE

KT: kla

W: Public Notices/Tusa/2006/WWADJ 90 Beard acpt-pub ltr 01 30 2006

9805346

FILED FOR RECORD
IN WALLA WALLA CO WASH
LAND TITLE OF WALLA WALLA

MAY 14 3 12 PM '98

WALLA WALLA CO. TREASURE
REAL ESTATE EXCISE TAX
PAID

FILED FOR RECORD AT REQUEST OF:
Land Title of Walla Walla County inc.

JANICE E. GATES
COUNTY AUDITOR

MAY 14 1998

NO. 90418

AMT. 3616.00

9805346

WHEN RECORDED RETURN TO:
Michael D. Dunham
Joanne Dunham
Route 2 Box 286
Walla Walla, WA 99362

LT8822

Statutory Warranty Deed

THE GRANTORS FRANK J. O'LEARY and MARIANNE O'LEARY, husband and wife;

for and in consideration of ten dollars and other valuable consideration

in hand paid, convey(s) and warrant(s) to MICHAEL D. DUNHAM and JOANNE DUNHAM, husband and wife;

the following described real estate, situated in the County of Walla Walla, State of Washington:

TRACT 2 TO STOKES

Tracts 1 and 2 of Short Plat recorded April 10, 1998 in Book 3 of Short Plats at Page 179 as Auditor's File No. 9803841, records of Walla Walla County, State of Washington.

Situated in Walla Walla County, State of Washington.

APN: 34-07-29-14-0016; 34-07-29-14-0017

Dated 5-13-98

Frank J. O'Leary

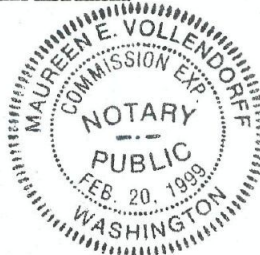
Marianne O'Leary

STATE OF WASHINGTON)
County of Walla Walla) ss.

I hereby certify that I know or have satisfactory evidence that Frank J. O'Leary and Marianne O'Leary are the persons who appeared before me and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: 5/13/98

Maureen E. Volleendorff
Notary Public in and for the State of Washington
residing at Walla Walla
My appointment expires 02/20/99



AFTER RECORDING MAIL TO:

walla walla title company
po box 1058
walla walla, wa 99362

Escrow No.: 52640E

Statutory Warranty Deed

THE GRANTORS, MICHAEL D. DUNHAM and JOANNE DUNHAM, husband and wife

for and in consideration of **TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION**

in hand paid, conveys and warrants to **TOM A. STOKES AND REBECCA L. STOKES, HUSBAND AND WIFE,**

the following described real estate, situated in the County of **WALLA WALLA**, State of Washington:


Tract 2 of Short Plat recorded May 19, 2000 in Volume 3 of Short Plats at Page 270 as Auditor's File No. 0004817 being a revision of that short plat recorded in Volume 3 of Short Plats at Page 179 as Auditor's File No. 9803841.

Situated in Walla Walla County, State of Washington.

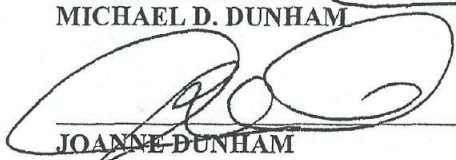
SUBJECT TO covenants, conditions, restrictions, reservations, easements and agreements of record, if any.

Assessor's Property Tax Parcel Account Number(s): **34-07-29-14-0020**

Dated this 23 day of Dec., 2005.



MICHAEL D. DUNHAM



JOANNE DUNHAM

STATE OF WASHINGTON
COUNTY OF WALLA WALLA

} ss

I certify that I know or have satisfactory evidence that **MICHAEL D. DUNHAM and JOANNE DUNHAM** are the persons who appeared before me, and said persons acknowledged that **THEY** signed this instrument and acknowledged it to be **THEIR** free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: 12/23/05



Linda J. Johnson
Notary Public in and for the State of Washington
Residing at **WALLA WALLA**
My appointment expires: **MARCH 1, 2008**

REJECTED

34-07-29-14-0018

TR 3

SP 3/179

FILED FOR RECORD
IN WALLA WALLA COUNTY
BY
LAND TITLE OF WALLA WALLA
APR 24 12 40 PM '98

FILED FOR RECORD AT REQUEST OF:
Land Title of Walla Walla County, Inc.

WALLA WALLA CO. TREASURE
REAL ESTATE EXCISE TAX
PAID

WHEN RECORDED RETURN TO:
PAT BEARD
KAY LYNN BEARD
624 COUNTY ROAD #5
MILTON-FREEWATER, OR 97862

APR 24 1998

NO. 90285

AMT. 832.00

9804445

9804445

LT8413

Statutory Warranty Deed

THE GRANTORS FRANK J. O'LEARY and MARIANNE O'LEARY, husband and wife;

for and in consideration of ten dollars and other valuable consideration in hand paid, convey(s) and warrant(s) to PATRICK BRYAN BEARD and KAY LYNN STEVENS BEARD, husband and wife;

the following described real estate, situated in the County of Walla Walla, State of Washington:

Tract 3 of Short Plat recorded April 10, 1998 in Book 3 of Short Plats at Page 179 as Auditor's File No. 9803841, records of Walla Walla County, State of Washington.

Situated in Walla Walla County, State of Washington.

APN: 34-07-29-14-0011 (seg); 34-07-29-14-0015 (seg)

Dated 4/22/98

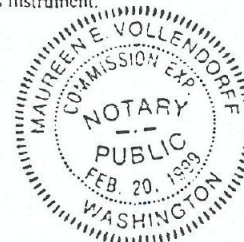
[Signature]
Frank J. O'Leary

[Signature]
Marianne O'Leary

STATE OF WASHINGTON)
County of Walla Walla) ss.

I hereby certify that I know or have satisfactory evidence that Frank J. O'Leary and Marianne O'Leary are the persons who appeared before me and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in this instrument.

Dated 4/22/98
[Signature]
Notary Public in and for the State of Washington
residing at Walla Walla
My appointment expires 02/20/99



COURTESY OF LAND TITLE

200-0740

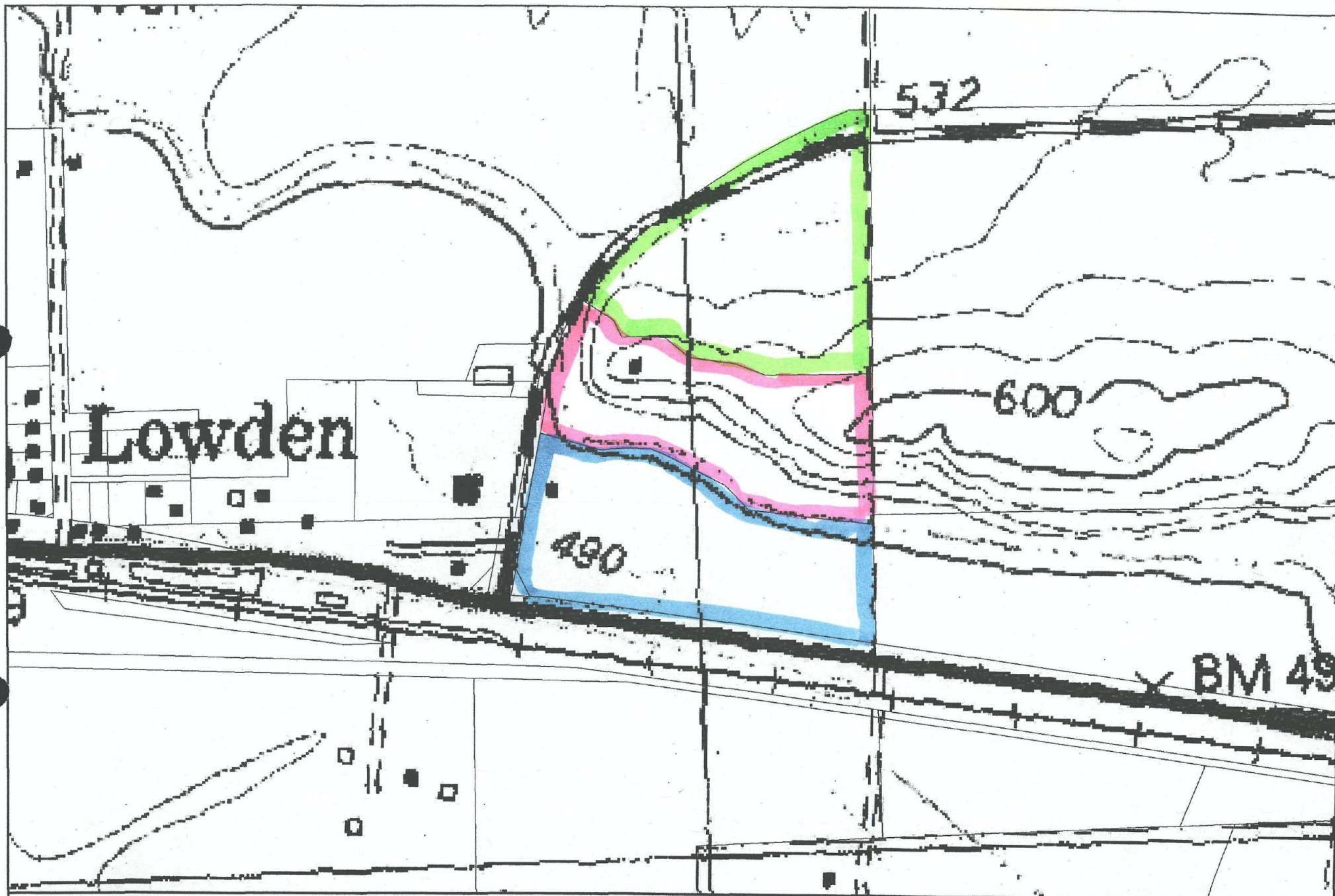
PROPOSED WATER RIGHT DIVISION
WW Adj. Cert. No. 90; SW Cert. No. 1837 w/Chg 270

Tract 1: 6 acres of SW Cert. No. 1837 (DUNHAM)
 3 acres of WW Adj. Cert. No. 90

Tract 2: 3 acres of SW Cert. No. 1837 (STOKES)
 2 acres of WW Adj. Cert. No. 90

Tract 3: 5 acres of SW Cert. No. 1837 (BEARD)
 2 acres of WW Adj. Cert. No. 90

*NOTE: WOULD LIKE TO KEEP CERTIFICATES WHOLE, BUT IN THE
EVENT OF CONFLICT REFLECT DEEDED ALLOCATIONS, ABOVE.*



Change in POU - WW Adj. Cert. No. 90 - Proportional allocations

■ - Tract 3
 5 acres of Cert 1837
 2 acres of Cert 90

■ - Tract 2
 3 acres of 1837
 2 acres of 90

■ - Tract 1
 6 acres of 1837
 3 acres of 90

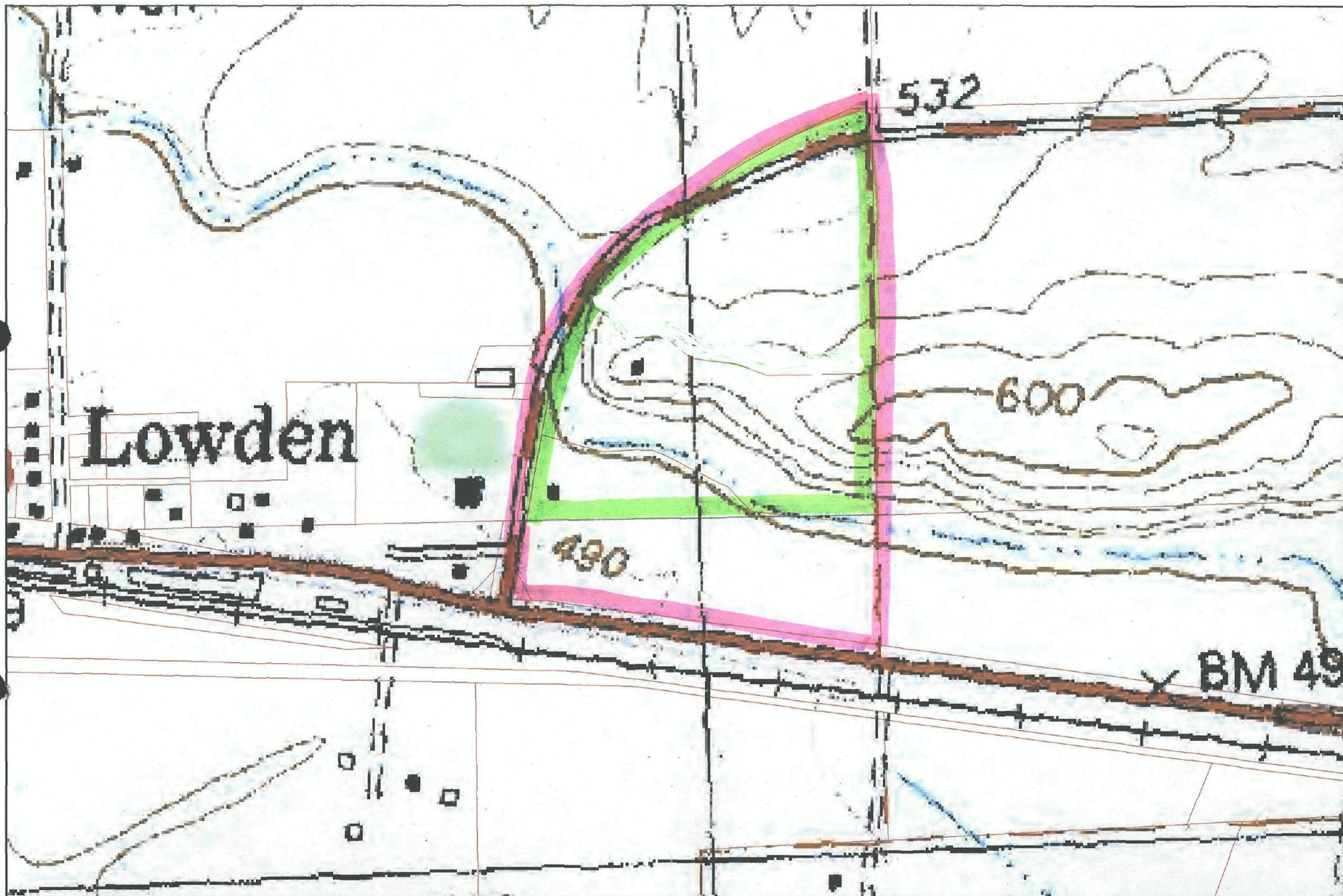
208 0 208 416 Feet



1:5000

Map printed 12/5/2005



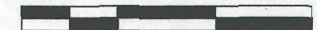


Change in POU - WW Adj. Cert. No. 90

■ - Proposed place of use

■ - Existing place of use

208 0 208 416 Feet



1:5000

Map printed 12/5/2005

